

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

CLAUDE LEE WOODS,

DEFENDANT.

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2008 APR -8 P 12: 23

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CV-1:08cv98-MEF

SECOND RESPONSE TO ORDER OF FEBRUARY 12, 2008

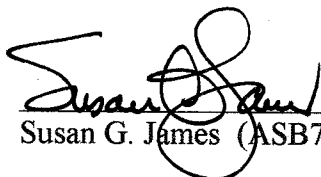
Comes now Susan G. James, Attorney at Law, and former counsel for Claude Lee Woods, and files this response to a request of AUSA Susan Redmond for a supplemental affidavit in response to Woods' 28 U.S.C. §2255 and, in support thereof, states the following:

1. This Court entered an Order on February 12, 2008 directing undersigned counsel to file an affidavit in response to Woods ineffective assistance claim in his 28 U.S.C. §2255. Counsel filed a responsive affidavit denying his claim of ineffective assistance of counsel.

2. AUSA Susan Redmond contacted Counsel requesting a supplemental affidavit addressing some of Woods' specific claims.

3. Counsel attaches to this document an affidavit in response to the additional ineffective assistance claims filed by Woods.

Respectfully submitted this 7th day of April 2008.


Susan G. James (ASB7956J64S)

Address of Counsel:

Law Office of

Susan G. James & Associates

600 S. McDonough St.

Montgomery, AL 36104

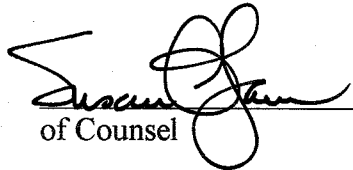
(334) 269-3330

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing was served upon Susan Redmond, Assistant United States Attorney, P. O. Box 197, Montgomery, Alabama 36101 this 7th day of April 2008.

the above instrument was served via:

- ☐ personal service
- ☒ first class mail
- ☐ certified mail, return receipt requested
- ☐ facsimile
- ☐ overnight courier



of Counsel

STATE OF ALABAMA

COUNTY OF MONTGOMERY

SUPPLEMENTAL AFFIDAVIT OF SUSAN G. JAMES, ATTORNEY AT LAW

I, Susan G. James, am the former counsel for Claude Woods. Woods has filed a §2255 alleging ineffective assistance of counsel. Pursuant to the Court's order, I filed a responsive affidavit denying his claim of ineffective assistance of counsel.

I have recently been contacted by AUSA Susan Redmond with regard to my affidavit. Specifically, she has asked that I address the issue of whether or not Woods specifically instructed me to file a petition for certiorari to the United States Supreme Court.

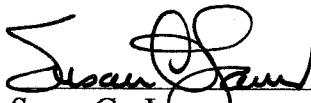
I have carefully reviewed my notes and, by way of this affidavit, am responding to the issue of whether or not Woods specifically instructed counsel to file a petition with the United States Supreme Court for certiorari.

The employment contract that the undersigned had with Woods did not contemplate filing a 28 U.S.C. §2255 or a petition to the United States Supreme Court. My records do reveal that Woods did make one contact with the office indicating that he thought the employment agreement contemplated preparing and filing a petition for certiorari to the United States Supreme Court. The undersigned instructed staff to advise Woods that she was not hired to do a petition for certiorari to the United States Supreme Court and that his likelihood of success was non-existent given the issues raised below.

The undersigned did not file a petition for certiorari to the United States Supreme Court nor was she directly instructed to do so by Woods.


This affidavit is true to the best of my knowledge, information, and belief.

Sworn and subscribed before me this 2nd day of April 2008.


Susan G. James

NOTARY PUBLIC

My commission expires 03/22/2012


Notary Public